REMARKS

The claims have been amended by rewriting claims 3, 4, 7 and 8, and canceling claims 6. Claims 1-5 and 7-17 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Reconsideration of this application is respectfully requested.

35 U.S.C. § 112, second paragraph

Claims 3, 4 and 6-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 4, 7 and 8 have been amended to clarify which device is referred to. Claim 6 has been cancelled as it was a duplicate of claim 5.

35 U.S.C. § 102(e)

Claims 1-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Staiger (U.S. Patent No. 6,292,718, hereinafter Staiger). This rejection is respectfully traversed. Applicants' independent claim 1 calls for, among other things, in a *vehicle* comprising a first device and a second device and an *active network communicatively coupling first and second device*, the first device having a first and second communication coupling to the active network. Applicants' independent claim 10 calls for, among other things, in a *vehicle* comprising an *active network*, a *first communication coupling from a device to the active network* at a first location and a *second communication coupling from the device to the active network* at a second location on the active network.

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Applicants' are providing, along with this response, an Affidavit under 37 CFR 1.132 affirming by one of the inventors, who is also an expert in the field of computing and networking, that an active network is a network in which the nodes can perform custom operations on the contents of the messages that pass through the nodes. An active network does not require a central server or computing resource. Active network nodes are aware of the contents of the messages transported and can participate in the processing and modification of the messages while they travel through the network. Applicants' further submit that the Affidavit under 37 CFR 1.132 further obviate the Staiger reference and their relevance as prior art.

Staiger teaches an electronic control system for controlling the function of a processing system in an automobile. The system taught by Staiger uses operating systems such as OSEK or QNX, which do not support an active network (column 8, lines 27-30). Also, Staiger supports communication paths that employ preferably interrupt driven solutions, polling techniques, multi-drop networks, arbitration and decentralized bus schemes (FIG.2, and column 11, lines 24-45). None of these is an active network or support active network functions. Staiger clearly requires a central management unit to control other nodes in the system (Figures 1-7). Central management unit is at the center of a passive network. The various units in Staiger (ComPro, SysMon, CAP, etc.) cannot perform custom operations on messages passing through them. In addition various units in Staiger (ComPro, SysMon, CAP, etc.) are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does Staiger teach or suggest an active network as understood by those skilled in the art.

"A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference." Verdegall Bros. V. Union Oil Co. Of California, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPEP § 2131. Contrary to Examiner's statement that all elements are disclosed in Staiger, Applicants' claimed elements including a vehicle and *an active network and one or more devices communicatively coupled to an active network*, are not disclosed or taught in Staiger. Staiger therefore does not teach or suggest a vehicle and *an active network and one or more devices communicatively coupled to an active network*. Since Staiger

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does not contain at least these features of the applicants' independent claims 1 and 10, it does not include all of the elements of applicants' independent claims 1 and 10 and therefore cannot anticipate applicants' independent claims.

35 U.S.C. § 103

Claims 5, 6 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Staiger. Applicants' respectfully traverse the rejection and request reconsideration. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2143). To establish a *prima facie* case three basic criteria must be met. First, the *prior art references must teach or suggest all the claim limitations*. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

The Applicants' respectfully submit that the combination does not provide Applicants' claimed invention. Applicants' independent claim 1 calls for, among other things, in a *vehicle* comprising a first device and a second device and an *active network communicatively coupling first and second device*, the first device having a first and second communication coupling to the active network. Applicants' independent claim 10 calls for, among other things, in a *vehicle* comprising an *active network*, a *first communication coupling from a device to the active network* at a first location and a *second communication coupling from the device to the active network* at a second location on the active network.

As explained above, Staiger does not teach or suggest a vehicle including an active network. Applicants' further submit that the Affidavit under 37 CFR 1.132 further obviates the Staiger reference and its relevance as prior art. Since Staiger does not contain at least these features of the Applicants' independent claims, it does not include all of the elements of Applicants' independent claims 1 and 10 and therefore cannot anticipate or make obvious Applicants' independent claims 1 and 10. Claim 5 depends from claim 1 and claim 17 depends from claim 10, therefore, Staiger cannot anticipate or make obvious Applicants' dependent claims 5, 6 and 17.

Claims 2-5, and 7-9 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on reference of Ying for at least the same reasons as claim 1.

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Claims 11-17 depend either directly or indirectly from claim 10 and are believed to be allowable over the relied on reference of Ying for at least the same reasons as claim 10.

Prior Art Not Relied Upon

The references cited but not relied upon are not believed to anticipate or make obvious applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

By: _____
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IA00006
patent application

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant(s):	Juergen Reinold Donald Remboski	Atty Docket No.	IA00006

Serial No.:	**09/943,882**	Group Art Unit:	**2663**
Filed:	08/31/2001	Examiner:	**Nhat Q. Do**
TITLE:	**VEHICLE ACTIVE NETWORK WITH FAULT TOLERANT DEVICES**		

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, Box 1450, Arlington, VA 22302..

On _____ November 21, 2003 _____

Signature

V. Lynn Webb
Printed Name of Person Signing Certificate

AFFIDAVIT
PURSUANT TO 37 C.F.R. §1.132

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Assistant Commissioner:

STATE OF ILLINOIS   )
                                       :
COUNTY OF COOK   )

I, Juergen Reinold, being duly sworn, depose and say as follows:

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I received a Vordiplom in Informatik (analogous to Bachelor of Science Degree in Computer Science) from the Rheinisch-Westfählische Technische Hochschule (RWTH) Aachen in Germany in 1985 and the Informatik Diplom (analogous to Master of Science Degree in Computer Science) the Rheinisch-Westfählische Technische Hochschule (RWTH) Aachen in Germany in 1989.

I have been employed by Motorola, Inc. since 1989 where I have served in various management and technical capacities. I spent most of my technical work at the Motorola Computer Group, both in Düsseldorf/Germany and in Tempe/Arizona. I have developed system software, performed system and performance analysis on complex computing and communication systems, and created the architecture for the StarMax Pro 6000 desktop computer, "The Fastest Personal Computer On Earth" according to MacWeek Magazine in August 1997. I led a team of engineers as the Chief Architect on a development effort in Motorola geared towards the next generation systems architecture for automotive electronic systems. I have published several papers and given key note speeches on computer system performance and architecture issues. Additionally, I have inventively contributed to more than thirty filed or issued US patents for Motorola.

I, Juergen Reinold, am an inventor of the above referenced patent application and have reviewed U.S. Patent No. 6,292,718 (hereinafter Staiger) and state the following:

The present invention teaches a vehicle comprising an active network. Staiger does not disclose or suggest a vehicle comprising an active network. Moreover, even if the subject matter of Staiger were combined with other art of record, this would not lead anyone to develop the invention. For example, Staiger in combination with other art of record does not teach all of the claimed features namely, a vehicle comprising an active network. See, for example, independent claims 1 and 10 of the application.

As is known in the art, traditional data networks (passive networks) passively transport messages from one end node to another. Such passive networks are only aware of the destination of messages passing through the nodes and are specifically designed to deliver exactly one unmodified copy of the message to its ultimate destination. The passive network is insensitive to the messages it carries and the messages are transferred between nodes without modification. This is exclusively the type of network taught in Staiger.

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As understood by those skilled in the art of computing and networking, an active network is a network in which the nodes can perform custom operations on the contents of the messages that pass through the nodes. An active network does not require a central server or computing resource. Active network nodes are aware of the contents of the messages transported and can participate in the processing and modification of the messages while they travel through the network.

Staiger teaches an electronic control system for controlling the function of a processing system in an automobile. The system taught by Staiger uses operating systems such as OSEK or QNX, which do not support an active network (column 8, lines 27-30). Also, Staiger supports communication paths that employ preferably interrupt driven solutions, polling techniques, multi-drop networks, arbitration and decentralized bus schemes (FIG.2, and column 11, lines 24-45). None of these is an active network as understood by those skilled in the art. In all of these, Staiger clearly requires a central management unit to control other nodes in the system (Figures 1-7). Central management unit is at the center of a passive network. The various units in Staiger (ComPro, SysMon, CAP, etc.) cannot perform custom operations on messages passing through them. In addition various units in Staiger (ComPro, SysMon, CAP, etc.) are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does Staiger teach or suggest an active network as understood by those skilled in the art.

Staiger fails to teach a vehicle comprising an active network. Consequently, even if Staiger were combined with any other reference of record, such a combination would not lead to the practice of the invention. See, for example, independent claims 1 and 10 of the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the subject patent application or any patent issued thereon.

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      I further declare that I have received no special compensation or consideration for making this affidavit, nor have I been in any way told, either directly or by implication or inference, by anyone that my employment by Motorola, Inc. or my professional advancement or other matters of personal or professional interest to me depend in any way on whether or not I make this affidavit or the content thereof. I further declare that I make this affidavit of my own free will and choice without any duress or influence of any kind, believing fully in the truth of the statements made by myself herein.

                                              Juergen Reinold

I, __DAWN M HEBEW__, a Notary Public in and for the County and State aforesaid, do hereby certify that Juergen Reinold, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and Notary Seal this __20__ day of __November__, 2003.

                        My commission expires on __9-28-2005__

SEAL

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OFFICIAL SEAL
DAWN M HEBEIN
Notary Public - State of Illinois
My Commission Expires Sep 28, 2005
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